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UNCLAS HANOI 000752

SIPDIS

SENSITIVE

STATE FOR PRM AND EAP/BCLTV

BANGKOK FOR REFCOORD

GENEVA FOR RMA

E.O. 12958: N/A

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SUBJECT: CONVICTION OF PHAM VAN TUONG AKA THICH TRI LUC

REF: 03 HANOI 2858

1. (U) In a brief trial on March 12, former Unified Buddhist Church of Vietnam (UBCV) monk Pham Van Tuong (better known by his earlier religious name of Thich Tri Luc) was sentenced by the Ho Chi Minh City People's Court to twenty months' imprisonment for "fleeing abroad with a view to opposing the people's administration" (Article 91 of the Penal Code). ConGen HCMC's Buddhist contacts have confirmed the sentence but believe he will be released in about 15 days for time served, since he has already been in custody since July 26, 2002. The English-language "Vietnam News" reported -- somewhat inaccurately -- on March 13 that he had been sentenced for "distorting the Government's national unity policies" and had "contacted hostile groups to undermine the Government's internal security and foreign affairs." Media reports further claimed that he had "confessed his crime and sincerely expressed remorse."

2. (SBU) Tuong's case attracted international attention since he had been granted refugee status by the UNHCR office in Phnom Penh after fleeing Vietnam in 2002, but was mysteriously arrested at the Vietnam-Cambodian border four months later. UNHCR's officer-in-charge in Hanoi Vu Anh Son (please protect) confirmed on March 15 that the GVN had never provided any explanation of this discrepancy. He said that UNHCR Hanoi sent a diplomatic note to the Ministry of Foreign Affairs on March 15 requesting to meet with Tuong to determine if he still wishes to pursue resettlement as a refugee and, if so, seeking the GVN's cooperation in processing him, an option promised by Vice Minister of Public Security Nguyen Van Huong in October 2003 (reftel). Son said that he was "optimistic" the GVN would indeed cooperate and predicted action "soon." UNHCR Bangkok -- rather than the office in Hanoi -- would likely pursue the case with interested Embassies, he added.

3. (U) Suggested press guidance:
Question 1: What is your reaction to the sentencing of Pham Van Tuong, formerly known as the monk Trich Tri Luc of the Unified Buddhist Church of Vietnam?

Answer 1: We regret that the closed nature of the Vietnamese legal and court system makes it difficult to determine the facts of individual cases. This casts doubt on the fairness of the criminal proceedings against Mr. Tuong and on the Vietnamese Government's commitment to transparency elsewhere in its legal system.

We urge the GVN to grant access to Mr. Tuong by UNHCR officials and to permit him to be resettled as a refugee, if he desires.

Question 2: Can you please comment on Mr. Tuong's disappearance from Phnom Penh in 2002 and subsequent arrest on the Vietnam-Cambodian border?

Answer 2: We refer you to the Governments of Cambodia and Vietnam as well as representatives of UNHCR for further details about this case.

BURGHARDT